

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

TZU-HSIANG TUNG, AND ALL OTHERS  
SIMILARLY SITUATED,

Plaintiffs,

-against-

BANZAI STEAKHOUSE INC., KARL SHAO, AS  
AN INDIVIDUAL,

Defendants.

Docket No.: 22-CV-5750

---

**DECLARATION OF SAMEER NATH IN OPPOSITION TO  
PLAINTIFF'S MOTION FOR CONDITIONAL CLASS CERTIFICATION**

---

Sameer Nath, an attorney duly admitted to practice in the State of New York, declares, under the penalties of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an associate of the law firm, of Sim & DePaola, LLP, the attorneys for Defendants, Banzai Steakhouse, Inc., and Karl Shao and am familiar with the facts, as stated below, based upon my review of the docket entries for the above-captioned civil action, the files maintained by my office and my conversations with Defendants.
2. I submit this Declaration in Opposition to Plaintiff's instant motion for conditional class certification.
3. A true and accurate copy of Plaintiff's time sheets is annexed hereto as Exhibit 1.
4. A true and accurate copy of Xiao He's time sheets is annexed hereto as Exhibit 2.
5. A true and accurate copy of Wong Fong Tau's (a.k.a. "Jenny") time sheets is annexed hereto as Exhibit 3.
6. A true and accurate copy of Fei Peng's time sheets is annexed hereto as Exhibit 4.
7. I declare under penalty of perjury that the foregoing is true and correct.

Dated: Bayside, New York  
December 1, 2022

## SIM & DEPAOLA, LLP

*Attorneys-at-Law*

42-40 Bell Boulevard – Suite 405  
Bayside, New York 11361  
(718) 281-0400

/s/Sameer Nath

Sameer Nath, Esq.

Email: snath@simdepaola.com

*Attorneys for Defendants*